S.B.Cr.Misc. Second Bail Appl. No.274/2007
(Ajeet Singh @ Raju Vs. State of Rajasthan)

Date of order : January 19, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.MK. Garg, for the petitioner.
Mrs. Vidhyawati Bora, Public Prosecutor.

This is second bail application under Section 439 Cr.P.C.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the challan papers and the statement of prosecution witnesses so far recorded with the trial court.

The first bail application came to be dismissed by this Court on 2.8.2005 as it was not pressed by the learned counsel for the petitioner therein.

Learned counsel for the petitioner submits that after rejecting the earlier bail application, the prosecution has recorded the statements, of as many as five prosecution witnesses and none of them supported the prosecution case. The witnesses to the recovery have turned hostile and one of the eye witness Kulwant Singh was said to have expired.

It is further contended that the main accused Harjindra Singh, who alleged to have fired the Pistol causing death of deceased person, has already been granted bail by co-ordinate Bench of this Court in SB.Cr. Misc. Bail Appl. No.5459/2006 on 6.12.2006 and case of the petitioner is on better footing. There is no allegation that the petitioner caused any injury to the deceased person.

Be that as it may, from perusal of the statement of Avtar Singh, who is said to be an eye witness, it was Harjinder Singh, who was having Pistol in his hand and caused murder of Baba. At any rate, the present petitioner had accompanied the co-accused Harjinder Singh. However, without commenting on the merit of the case, keeping in view of the fact that the main accused has already been granted bail, and the case of the petitioner is on better footing, I deem it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that accused petitioner Ajeet Singh @ Raju son of Swaroop Singh be released on bail in FIR No.184/2004 P.S. Srikaranpur provided he furnishes a personal bond in a sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs. 15,000/- each to the satisfaction of

learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

rm/-